

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TOMAS AMBROCIO RIQUIAC, a/k/a MARIO,
*individually and on behalf of others similarly
situated,*

Plaintiff,

-against-

BADA STORY INC., d/b/a BADA STORY, and
JIN Y. CHUNG,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

16-CV-2128 (NGG) (RER)

On January 31, 2017, the parties to this action jointly moved the court to approve a tentative settlement (the “Settlement”) reached between Plaintiff and Defendants, concerning Plaintiff’s claims under the Fair Labor Standards Act and various state labor laws. (Mot. for Approval (Dkt. 13).) On April 5, 2017, the court referred the motion to Magistrate Judge Ramon E. Reyes, Jr. for a Report and Recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Apr. 5, 2017, Order.) On April 18, 2017, Judge Reyes issued an R&R, recommending that the court approve the Settlement because he found “its terms to be fair and reasonable.” (Apr. 18, 2017, R&R.)

No party has objected to the R&R and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). The court therefore reviews the R&R for clear error. See Porter v. Potter, 219 F. App’x 112, 113 (2d Cir. 2007) (summary order) (“[F]ailure to object timely to a magistrate’s report operates as a waiver of any further judicial review of the magistrate’s decision.” (internal quotation marks and citation omitted)); Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010) (“Where no objection to the [R&R] has been filed, the district court need only satisfy itself

that there is no clear error on the face of the record.” (internal quotation marks and citation omitted)). The court has reviewed both the record and the R&R and, finding no clear error, ADOPTS the R&R and GRANTS the parties’ motion to approve the Settlement (Dkt. 13).

SO ORDERED.

Dated: Brooklyn, New York
May 11, 2017

Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge